

**DUANE MORRIS LLP**

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*Counsel for Defendant*

*The Bon-Ton Stores*

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

KLAUBER BROTHERS INC.,

Plaintiff,

v.

RUSSELL-NEWMAN INC., and  
THE BON-TON STORES, INC.,

Defendants.

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)  
) CASE NO.: 11-CV-4985  
) (PGG)  
)  
) ECF Case  
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**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the declaration of R. Terry Parker, the exhibits thereto, and upon all the pleadings, the undersigned, on behalf of defendant The Bon-Ton Stores, Inc., hereby moves this Court for an order granting the motion of defendant The Bon-Ton Stores, Inc. to dismiss plaintiff Klauber Brothers Inc.'s Third Amended Complaint.

Dated: New York, NY  
April 30, 2012

DUANE MORRIS LLP

By: /s/

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